

REMARKS

This Amendment, submitted in response to the Office Action dated December 15, 2005, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

I. Preliminary Matters

Applicant has amended the specification to correct informalities.

II. Claim Rejections under 35 U.S.C. § 103

Claims 1-7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Fox (U.S. Patent No. 5,890,134) in view of Gerber (U.S. Patent No. 5,661,566).

Claim 1 recites:

"creating a schedule plan for first half processes in such a manner that a scheduling is performed in accordance with a fastest-schedule scheme for first half processes terminating up to the machine plate making process of the series of processes obtained in the obtaining step, and creating a schedule plan for latter half processes in such a manner that a scheduling is performed in accordance with a latest-schedule scheme for latter half processes starting after a starting point of the machine plate making process of the series of processes obtained in the obtaining step."

As previously submitted, Fox is directed to a scheduling optimizer for scheduling operations and tasks necessary for constructing buildings, machine or equipment. See col. 1, lines 13-16. A scheduling program creates a tentative schedule of the tasks S1. See col. 6, lines 9-11. The tasks are then sorted in chronological order by completion time to produce a chronological listing by completion time S2. See col. 7, lines 65-67. Working in reverse

chronological order in the chronological listing, starting with the last task in the list, from the task with the latest completion time, each task is “right shifted” as much as permissible to the right completion time boundary to create a listing S3. Therefore, each task is unscheduled and rescheduled to start and finish as late as possible prior to or at the right time boundary. See col. 8, lines 20-27. Consequently, each task is assigned a new completion time. See col. 8, lines 42-43.

The tasks listed in the “right shifted” task listing are again sorted, but in chronological order by the respective start times to obtain another chronological listing S4. The first task in the listing S4 contains the earliest start time S. See col. 10, lines 1-8. Working in order in the list starting with the first task in the list which has the earliest start time, each task is “left shifted” toward the start time boundary. Therefore, each task is unscheduled and rescheduled to occur as early as possible without violating restraints or requirements. Each task is given a new start time and based on the data respecting the duration required for the particular task, the task is assigned a new completion time. This creates a new listing, the “left shifted” task list S5. See col. 10, lines 8-31. The schedule S5 is the final step in the schedule optimization routine. The main schedule program stores the schedule S5 in memory and overwrites or erases the original schedule and any intervening schedules. See col. 11, lines 30-35.

The Examiner asserts that the “right shift” schedule scheme and the “left shift” schedule scheme correspond with the claimed fastest-schedule scheme and latest-schedule scheme, respectively. Further, the Examiner asserts that boundaries can be set manually by the user thereby the system can act just as if the boundary was chosen to be in the middle of the processes as stated in the claims.

Applicant submits that the “right shift” schedule scheme and the “left shift” schedule scheme do not correspond to the claimed fastest-schedule scheme and latest-schedule scheme. As clarified in claims 6 and 7, the fastest-schedule scheme comprises forming a schedule in order of higher priority of a process in practice while making sure of a resource and the latest-schedule scheme comprises forming a schedule from a later process to a former process counting backward from a date of delivery while making sure of a resource.

On the other hand, the right shift schedule scheme of Fox shifts each task to the right completion time boundary. In particular, each task is unscheduled and reschedule to start and finish as late as possible prior to or at the right time boundary Cc. Col. 8, lines 17-31. The left shift schedule scheme shifts each task as much as possible toward the start time boundary. In particular, each task is unscheduled and rescheduled to occur at or as early as possible than the left or start time boundary. See col. 10, lines 16-30.

In view of the foregoing, it is apparent that the right shift schedule scheme and the left shift schedule scheme do not correspond to the claimed fastest-schedule scheme and latest-schedule scheme.

Further, assuming Fox discloses that a user designates a boundary, there is no teaching or suggestion that the boundary is located after the right shift schedule (fastest-schedule scheme according to the Examiner) or that the boundary is located before the left shift schedule scheme (latest-schedule scheme according to the Examiner).

Fox, col. 12, lines 7-40, gives an example of a four week process in which a user adds a additional work during the second week. The system of Fox adds the additional work during the

second week by setting the left boundary to be the start time and setting the right boundary to be the end time and then applies the shift left and the shift right operations. As another option, a user might choose to shift everything right from the Wednesday of the second week through the end of the this week and then shift everything left from the beginning of the first week through Wednesday of the second week. See col. 12, lines 32-35.

However, it is apparent that Fox does not teach or suggest that “a scheduling is performed in accordance with a fastest-schedule scheme for **first half processes terminating up to the machine plate making process** of the series of processes obtained in the obtaining step, and that scheduling is performed in accordance with a latest-schedule scheme for **latter half processes starting after a starting point of the machine plate making process** of the series of processes.”

In particular, the boundary, which the Examiner appears to be citing for teaching the point of the machine plate making process, does not designate a fastest-schedule scheme for first half processes and a latest-schedule scheme for later half processes.

The Examiner concedes that Fox does not teach or suggest a plate making process and therefore cites Gerber to cure the deficiency. However, Fox is directed to a scheduler for an aircraft. See col. 12, lines 50-55. Therefore, contrary to the Examiner’s assertion, it would not have been obvious to modify Fox to include the teachings of Gerber. Moreover, although Gerber discloses a plate making process, there is no teaching or suggestion in Fox or Gerber, that the boundary of Fox should be a plate making process. The Examiner’s reasoning is clearly a result of impermissible hindsight.

For at least the above reasons, claim 1 and its dependent claims should be deemed allowable. Since claims 3 and 5 recite similar elements, claims 3 and 5 and their dependent claims should be deemed allowable for at least the same reasons. Further, as discussed above, Fox does not disclose the fastest-schedule scheme the latest-schedule scheme as recited in claims 6 and 7, consequently, claims 6 and 7 should further be deemed allowable.

Claim 2

Claim 2 recites “wherein after creating the schedule plan of the first half processes and the schedule plan of the latter half processes, it is detected whether there is any overlapping of schedules between the schedule plan of the first half processes and the schedule plan of the latter half processes.” The Examiner asserts that Fox, col. 6, lines 49-52, col. 9, lines 17-67 and col. 10, line 45 to col. 11, line 29, teach this aspect of the claim.

Fox at most discloses ensuring that time allocations assigned to a task do not conflict with another task. However, there is no teaching or suggestion of detecting whether there is any overlapping of schedules between the schedule plan of the first half processes and the schedule plan of the latter half processes.

Consequently, claim 2 should be deemed allowable. To the extent claim 4 recites similar elements, it should be deemed allowable for at least the same reasons.

III. New Claims

Applicant has added claims 8-10 to provide a more varied scope of protection. Claims 8-10 should be deemed allowable by virtue of their dependency to claim 1 for the reasons set forth above.

AMENDMENT UNDER 37 C.F.R. § 1.111
Appln. No.: 09/864,305

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IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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